

information was shared; and school “sign-in” procedures that asked the counselor who is being seen and why. This expert surmises that counselors who come to doubt the schools’ commitment to confidentiality often respond by recording little of what they do. Unfortunately, he adds, inadequate record-keeping conceals the extent and value of counselors’ work and, if a serious problem develops, increases the counselor’s and LEA’s liability exposure.²⁴⁷

The legal status of confidentiality is determined by state and federal statutes and regulations and by ethical standards and guidance from professional organizations. North Carolina statutes give “evidentiary privileges” to anyone who confides in a licensed psychologist²⁴⁸ or school counselor²⁴⁹ certified by DPI²⁵⁰ (but not in a school social worker²⁵¹). However, having an evidentiary privilege does not mean that what a student tells a professional must remain between them. It means only that a psychologist or school counselor may not reveal the information *in a judicial proceeding* unless the student permits it or the judge decides that the testimony “is necessary to a proper administration of justice.”

The North Carolina Administrative Code requires everyone licensed by the State Board of Education to “keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the

247. Telephone conversation with Gary L. Shaffer, Assoc. Professor, School of Social Work, The University of North Carolina at Chapel Hill, April 2, 2003.

248. G.S. 8-53.3.

249. The North Carolina State Board of Education (Policy ID Number QP-A-017) and the North Carolina Administrative Code (16 NCAC 6C.0304) distinguish school counselors from school psychologists and school social workers.

250. G.S. 8-53.4. *See also* G.S. 115C-401.

251. G.S. 8-53.7 provides a privilege to those receiving private social work services, but services rendered in or through a contract with a public school are presumably not private. The school counselor and psychologist privileges cited above do not distinguish between public and private services.